

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN RAPP,

Plaintiff,
vs. **9:13-CV- 0599**
(NAM/DEP)

MARLO BARBOZA and THOMAS HASKELL,

Defendants.

APPEARANCES:

JOHN RAPP
13-A-2819
Washington Correctional Facility
P.O. Box 180
Comstock, NY 12821
Plaintiff, pro se

OF COUNSEL:

FITZGERALD MORRIS BAKER
FIRTH, P.C.
P.O. Box 2017
16 Pearl Street
Glens Falls, NY 12801
Attorney for Defendants

JOSHUA D. LINDY, ESQ.

Norman A. Mordue, Senior U. S. District Judge

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 19th day of July 2016. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-

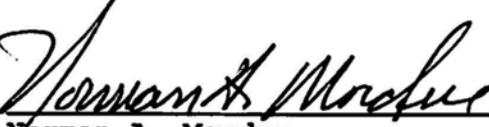
Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation (Dkt. No. 69) is hereby adopted in its entirety.
2. The Defendants' motion for summary judgment (Dkt. No. 49) is granted in its entirety, and that this action is dismissed.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: August 9, 2016
Syracuse, New York



Norman A. Mordue
Senior U.S. District Judge

v

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